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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/558,519

04/26/2000

Peter V. Boesen M.D.

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SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

PASS, NATALIE

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/558,519

Applicant(s)

BOESEN M.D., PETER V.

Examiner

Natalie A. Pass

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 84-89,92-94,98-100,102,103,105,108 and 110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84-89,92-94,98-100,102,103,105,108 and 110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Notice to Applicant***

1. This communication is in response to the response filed 2 October 2006. Claims 84, 92, 98-100, 102-103 and 105 have been amended. Claims 95-97, 106-107, 109 and 111 have been cancelled. Claims 1-83, 90-91, 101 and 104 have been previously cancelled. Claims 84-89, 92-94, 98-100, 102-103, 105, 108, 110 remain pending.

***Claim Rejections - 35 USC § 112***

(A) The rejections of claims 109 and 111 for introducing new matter is hereby withdrawn due to the amendment filed 2 October 2006.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 84, 88-89, 94, 98-100, 102-103, 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters et al., U.S. Patent Number 6, 393, 404 in view of Dorne, U.S. Patent Number 5, 325, 293 and Goltra, U.S. Patent Number 5, 823, 949 for substantially the same reasons given in the previous Office Action (paper number 20060621), and further in view of IBM Visualization Data Explorer QuickStart Guide, 1997. URL: <http://opendx.npaci.edu/docs/pdf/quickguide.pdf> >, hereinafter known as QuickStart. Further reasons appear hereinbelow.

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(A) Claim 84 has been amended to include the recitation of

- ♦ “allowing the order of codes to be changed by the user by highlighting one of the codes and then moving the highlighted one of the codes either up or down” in lines 10-12.

As per these new limitations, Waters, Dorne and Goltra teach a method as analyzed and discussed in the previous Office Action (paper number 20060621).

Waters, Dorne and Goltra fail to explicitly disclose a method further comprising allowing the order of codes to be changed by the user by highlighting one of the codes and then moving the highlighted one of the codes either up or down.

However, the above features are well-known in the art, as evidenced by QuickStart.

In particular, QuickStart teaches

allowing the order of codes to be changed by the user by highlighting one of the codes and then moving the highlighted one of the codes either up or down (QuickStart; page 107, paragraph 7).

It is respectfully submitted, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Waters, Dorne and Goltra to include these limitations, as taught by QuickStart, with the motivations of providing a user-friendly interface for visualizing data (QuickStart; page 1, paragraph 1).

The remainder of claim 84 is rejected for the same reasons given in the prior Office Action (paper number 20060621, section 7, pages 3-7), and incorporated herein.

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The motivations for combining the respective teachings of Waters, Dorne and Goltra are as given in the rejection of claim 84 in the prior Office Action (paper number 20060621) and incorporated herein.

(B) Claim 98 has been amended to include the recitation of

- ♦ “receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list” in lines 8-10.

As per these new limitations, Waters, Dorne and Goltra teach a method as analyzed and discussed in the previous Office Action (paper number 20060621).

Waters, Dorne and Goltra fail to explicitly disclose a method further comprising receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list.

However, the above features are well-known in the art, as evidenced by QuickStart.

In particular, QuickStart teaches

receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list (QuickStart; page 107, paragraph 7).

It is respectfully submitted, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Waters, Dorne and Goltra to

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include these limitations, as taught by QuickStart, with the motivations of providing a user-friendly interface for visualizing data (QuickStart; page 1, paragraph 1).

The remainder of claim 98 is rejected for the same reasons given in the prior Office Action (paper number 20060621, section 7, pages 8-9), and incorporated herein.

The motivations for combining the respective teachings of Waters, Dorne and Goltra are as given in the rejection of claim 84 in the prior Office Action (paper number 20060621) and incorporated herein.

(C) As per the amendments to claims 99-100, 102-103, these appear to have been made merely to correct minor typographical or grammatical errors and to correct dependencies in the claims. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 20060621, section 7, pages 9-10), and incorporated herein.

(D) Claims 88-89, 94, 110 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20060621, section 7, pages 7-10), and incorporated herein.

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4. Claims 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters et al., U.S. Patent Number 6, 393, 404, Dorne, U.S. Patent Number 5, 325, 293, Goltra, U.S. Patent Number 5, 823, 949, and IBM Visualization Data Explorer QuickStart Guide, 1997. URL: <http://opendx.npaci.edu/docs/pdf/quickguide.pdf> >, hereinafter known as QuickStart, as applied to claim 84 above, and further in view of Lavin et al, Pat. No. 5,772,585, for substantially the same reasons given in the previous Office Action (paper number 02172006). Further reasons appear hereinbelow.

(A) Claims 85-87 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20060621, section 8, pages 10-11), and incorporated herein.

5. Claims 92-93, 105, 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters et al., U.S. Patent Number 6, 393, 404 and Goltra, U.S. Patent Number 5, 823, 949 for substantially the same reasons given in the previous Office Action (paper number 02172006), and further in view of IBM Visualization Data Explorer QuickStart Guide, 1997. URL: <http://opendx.npaci.edu/docs/pdf/quickguide.pdf> >, hereinafter known as QuickStart. Further reasons appear hereinbelow.

(A) Claim 92 has been amended to include the recitation of

- ♦ “receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list” in lines 8-10.

As per these new limitations, Waters and Goltra teach a method as analyzed and discussed in the previous Office Action (paper number 20060621).

Waters and Goltra fail to explicitly disclose a method further comprising receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list.

However, the above features are well-known in the art, as evidenced by QuickStart.

In particular, QuickStart teaches receiving a change in ordering of diagnosis codes, the change in ordering performed by a user highlighting one of the codes and moving the one of the codes highlighted up or down within a user defined rank order list (QuickStart; page 107, paragraph 7).

It is respectfully submitted, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Waters and Goltra to include these limitations, as taught by QuickStart, with the motivations of providing a user-friendly interface for visualizing data (QuickStart; page 1, paragraph 1).

The remainder of claim 92 is rejected for the same reasons given in the prior Office Action (paper number 20060621, section 9, pages 12-14), and incorporated herein.

The motivations for combining the respective teachings of Waters and Goltra are as given in the rejection of claim 92 in the prior Office Action (paper number 20060621) and incorporated herein.



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(B) Claim 105 has been amended to include the recitation of

- ♦ “using the user interface to reorder the plurality of diagnosis codes moving a selected one of the diagnosis codes up or down” in lines 11-12.

As per these new limitations, Waters and Goltra teach a method as analyzed and discussed in the previous Office Action (paper number 20060621).

Waters and Goltra fail to explicitly disclose a method further comprising using the user interface to reorder the plurality of diagnosis codes moving a selected one of the diagnosis codes up or down.

However, the above features are well-known in the art, as evidenced by QuickStart.

In particular, QuickStart teaches using the user interface to reorder the plurality of diagnosis codes moving a selected one of the diagnosis codes up or down (QuickStart; page 107, paragraph 7).

It is respectfully submitted, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Waters and Goltra to include these limitations, as taught by QuickStart, with the motivations of providing a user-friendly interface for visualizing data (QuickStart; page 1, paragraph 1).

The remainder of claim 105 is rejected for the same reasons given in the prior Office Action (paper number 20060621, section 9, pages 14-15), and incorporated herein.

The motivations for combining the respective teachings of Waters and Goltra are as given in the rejection of claim 92 in the prior Office Action (paper number 20060621) and incorporated herein.

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(C) Claims 93, 108 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20060621, section 9, pages 14-16), and incorporated herein.

***Response to Arguments***

6. Applicant's arguments filed 2 October 2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 2 October 2006.

(A) Applicant's arguments on pages 9-11 of the 2 October 2006 response with respect to claims 84-89, 92-94, 98-100, 102-103, 105, 108, 110 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks  
Washington D.C. 20231

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or faxed to: (571) 273-8300.

For formal communications, please mark  
"EXPEDITED PROCEDURE".


For informal or draft communications, please label  
"PROPOSED" or "DRAFT" on the front page of the  
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Natalie A. Pass

December 11, 2006

  
C. LUKE GILLIGAN  
PATENT EXAMINER  
Primary